

**Texas Funeral Service Commission**  
**Proposed Rulemaking**  
**22 Tex. Admin. Code §203.5 & §203.7**

**203.5 – Provisional License**

(a) An applicant for a provisional license must meet the eligibility requirements of Occupations Code, §651.302 and shall submit to a criminal background check. Upon written application, the Commission shall waive the requirements of Occupations Code, §651.302(a)(2) and (b)(2) for a period not to exceed 12 months to an applicant who is otherwise qualified. This education waiver may be granted only to a person who has never held a provisional license issued by the Commission.

(b) An applicant who is enrolled in an accredited mortuary college must have the college forward a letter of enrollment prior to a provisional license being issued. A provisional license holder who was granted an education waiver under Occupations Code §651.302(c) must have the college forward a letter of enrollment prior to a provisional license~~ed~~ being renewed. An applicant or a provisional license holder who has completed coursework but is not a certified graduate, may continue to hold a provisional license if the person has the college forward a letter stating the person has filed for graduation and provide an expected graduation date within 3 months.

(c-m) – No change

**(n) Examination Requirements**

(1) An applicant for full licensure as a funeral director from the certificate program must pass the Texas State Board Examination as described in Occupations Code, §651.255.

(2) An applicant for full licensure who holds an Associate of Applied Science degree is required to pass either or both of the examinations as described in Occupations Code, §§651.255-651.256.

(3) Prior to being issued a provisional license, an applicant must pass the State Mortuary Law Examination administered by the Commission. If a person fails to submit an application for licensure within 6 months of taking the Mortuary Law Examination, the score is invalidated and the person must retake and pass the exam prior to licensure.

(4) A passing score of at least 75% is required for each examination described in paragraphs (1) - (3) of this subsection.

**203.7 – Provisional License Reinstatement and Reapplication**

(a) – No change

(b) A person whose provisional license is cancelled for failure to complete the program within the prescribed time may apply for a new provisional license. As an applicant for a new license, the person is required to submit to a new criminal background check and retake and pass the State Mortuary Law Examination. Casework completed under a previous license may not be counted toward the requirements of the new license unless the applicant petitions the Executive Director for a hardship exemption. The petition must demonstrate the personal situation and

reasons why the casework should count. If the Executive Director determines that the previously completed casework should not be counted under the new license, the Executive Director's decision may be appealed, in writing, and the appeal will be considered at the Commission's next regularly scheduled meeting.

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